IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 1055 of 1996

Between:

M/s Ramakrishna Pharmaceuticals,

Rep. by its Managing Partner Dr. N. Krishna,
R/o.434, Bank Street, Hyderabad.

..... PETITIONER

AND

1 The Controller, Weights and Measures,

Legal Metrology Department,
Hyderabad.
2 The Drug Controller,
New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to Book illegal cases under weights and Measures Act, 1948 which was no relevancy to the cases being booked as there is an parent Act Homeopathic Medicines under Drugs and Cosmetic Act, 1948.

Counsel for the Petitioner: SMT.VANI JOSHI

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

The Court made the following:

ORDER:

No representation on behalf of the petitioner.

This petition is filed seeking a direction to the respondents 'not to book illegal cases under Weights and Measures Act, 1948', which has no relevancy to the cases being booked, as there is an parent Act "Homeopathic Medicines under Drugs and Cosmetics Act 1948".

Question of giving any direction as prayer for i.e. not to book any illegal cases, cannot be given by this court. If the petitioner feels that any case booked against it is not a genuine case and is not covered by a particular Act, its remedy is to file a petition under Section 482 Cr.P.C., to quash such proceedings. Since no general direction that cases cannot be booked in a particular enactment, the petition is liable to be and hence is dismissed.

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21-07-2005

Prv

To

1 The Controller, Weights and Measures,

Legal Metrology Department,
Hyderabad.

2 The Drug Controller,
New Delhi.

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